

**UNITED STATES BANKRUPTCY COURT**  
**District of New Jersey**

IN RE: Herminio Zepeda

Case No.: 16-28008-JNP

Judge: Jerrold J. Poslusny, Jr.

Debtor(s)

Chapter: 13

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original

☒ Modified/Notice Required

☒ Discharge Sought

☐ Motions Included

☐ Modified/No Notice Required

☐ No Discharge Sought

Date: February 28, 2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The Debtor shall pay 60.00 monthly to the Chapter 13 Trustee, starting on November 1, 2016 for approximately 60 months.

b. The Debtor shall make plan payments to the Trustee from the following sources:

☒

Future Earnings

☒

Other sources of funding (describe source, amount and date when funds are available):

Family members

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

☒ Refinance of real property

Description: The Additional Funding required to be paid in this Chapter 13 Plan shall be derived from the Debtor's refinance of his primary residence. The timing of the refinance shall be such as the Debtor deems appropriate based on the terms of available financing.

Proposed date for completion: 11/2021

☐ Loan modification with respect to mortgage encumbering property

Description:

Proposed date for completion: \_\_\_\_\_

d. ☒ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

## Part 2: Adequate Protection

a. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$\_\_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_\_ (creditor).

## Part 3: Priority Claims (Including Administrative Expenses)

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Obermayer Rebmann Maxwell & Hippel LLP	Attorney Fees	\$2,500.00

## Part 4: Secured Claims

### a. Curing Default and Maintaining Payments

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Bayview Loan Servicing LLC	8 Bladwin Drive Sicklerville NJ 08081	0.00	0.00	0.00	\$2,195.46

### b. Modification

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section

1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
-NONE-							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
-NONE-			

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor  
-NONE-

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
-NONE-		

**Part 5: Unsecured Claims**

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_\_ Not less than \$\_\_\_\_\_ to be distributed *pro rata*

\_\_\_\_\_ Not less than \_\_\_\_\_ percent

  x   *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
-NONE-			

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
A. Bisicchia	Lease Commercial Property	Assumed

## Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

## Part 8: Other Plan Provisions

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims

- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9 : Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: October 21, 2016.


Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified
<b>Resolution of objection to the Plan</b>	<b>Treatment of Creditors</b>

Are Schedules I and J being filed simultaneously with this modified Plan? ☒ Yes ☐ No

**Part 10: Sign Here**

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date: March 1, 2017

  
Edmond M. George, Esq. 038771988  
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: February 28, 2017

  
Herminto Zepeda  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Herminio Zepeda  
 Debtor

Case No. 16-28008-JNP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 29

Date Rcvd: Mar 07, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 09, 2017.

db	+Herminio Zepeda, 8 Baldwin Drive, Sicklerville, NJ 08081-4438
aty	+Angela L Baglanzis, Obermayer Rebmann Maxwell & Hippel, 200 Lake Drive East, Suite 110, Cherry Hill, NJ 08002-1171
cr	+CALIBER HOME LOANS, INC., Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
516457708	+A. Bisicchia, 1530 Washington Ave, Philadelphia, PA 19146-3115
516405294	+Anthony Bisicchia, 1528 Washington Avenue, Philadelphia, PA 19146-3115
516457709	Apex Asset Management, 2501 Oregon Pike, Suite 102, Lancaster, PA 17601-4890
516489587	+Bayview Loan Servicing LLC, C/o McCalla Rymer Pierce, LLC, 1544 Old Alabama Rd, Roswell, GA 30076-2102
516611423	Bayview Loan Servicing, LLC, M&T Bank, PO Box 840, Buffalo, NY 14240-0840
516546472	+CALIBER HOME LOANS, INC., 13801 Wireless Way, Oklahoma City OK 73134-2500
516457711	Delaware Valley Urology LLC, P.O. Box 1029, Mount Laurel, NJ 08054-7029
516609092	Emergency Physicians Associates of South Jersey, PC, PO Box 1123, Minneapolis MN 55440-1123
516457713	HHRG, P.O. Box 5406, Cincinnati, OH 45273-7942
516457712	Healthcare Financial Services, LLC, 3585 Ridge Park Drive, Akron, OH 44333-8203
516457714	Jefferson University Hospital, P.O. Box 8500-310, Philadelphia, PA 19178-3100
516405293	Kennedy Medical Group Practice, P.C., PO Box 95000, CL# 4570, Philadelphia, PA 19195-0001
516457715	Kennedy University Hospital, P.O. Box 48023, Newark, NJ 07101-4823
516457716	Lordes Cardiology Services, P.O. Box 824699, Philadelphia, PA 19182-4699
516405292	Loures Cardiology Services, P.C., PO Box 824699, Philadelphia, PA 19182-4699
516457718	ProCo, P.O. Box 2462, Aston, PA 19014-0462
516457719	Radiology Associates of New Jersey, 28075 Network Place, Chicago, IL 60673-1280
516457720	Rancocas Anesthesiology, P.O. Box 4603, Lancaster, PA 17604-4603
516405291	+Rancocas Anesthesiology, P.O. Box 4640, Rutherford, NJ 07070-0464
516405288	+Robert E. Smithson, Jr., Esquire, Fein, Such, Kahn & Shepard, P.C., 7 Century Drive, Suite 201, Parsippany, NJ 07054-4673
516457721	The Hospital of the University of PA, P.O. Box 824336, Philadelphia, PA 19182-4336

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg	E-mail/Text: usanj.njbankr@usdoj.gov Mar 07 2017 23:44:58 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
smg	+E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Mar 07 2017 23:44:56 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
516405290	+E-mail/Text: roy.buchholz@allianceoneinc.com Mar 07 2017 23:44:17 AllianceOne, 4850 Street Road, Suite 300, Trevose, PA 19053-6643
516405289	+E-mail/Text: bkmailbayview@bayviewloanservicing.com Mar 07 2017 23:45:20 Bayview Loan Servicing LLC, 4425 Ponce de Leon Blvd, 5th Floor, Coral Gables, FL 33146-1837
516457717	E-mail/Text: camanagement@mtb.com Mar 07 2017 23:44:48 M&T Bank, P.O. Box 62182, Baltimore, MD 21254-2182

TOTAL: 5

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516457710*	+Bayview Loan Servicing LLC, 4425 Ponce de Leon Blvd, 5th Floor, Coral Gables, FL 33146-1837
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TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Mar 09, 2017

Signature: /s/Joseph Speetjens

**CM/ECF NOTICE OF ELECTRONIC FILING**

District/off: 0312-1

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 29

Date Rcvd: Mar 07, 2017

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 1, 2017 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor BAYVIEW LOAN SERVICING LLC dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Edmond M. George on behalf of Debtor Herminio Zepeda edmond.george@obermayer.com,  
angela.baglanzis@obermayer.com;njbkr@obermayer.com;michael.vagnoni@obermayer.com;michele.emory@obermayer.com;Charles.Golden@obermayer.com;Lucille.acello@obermayer.com;stacie.fetrow@obermayer.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,  
summarymail@standingtrustee.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Michael Frederick Dingerdissen on behalf of Creditor CALIBER HOME LOANS, INC.  
nj.bkecf@fedphe.com  
R. A. Lebron on behalf of Creditor BAYVIEW LOAN SERVICING, LLC bankruptcy@feinsuch.com  
TOTAL: 6